

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

FELIX ALBERTO CASTRO-DAVIS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Civil No. 13-1662 (JAF)

(Crim. No. 07-186-1)

MEMORANDUM OPINION

On April 28, 2014, Felix Alberto Castro-Davis (“Castro-Davis”) filed a motion for certificate of appealability. He contests our dismissal of his motion to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255. (Docket No. 17.)

On March 18, 2014, we issued an opinion and order denying nearly all the claims that Castro-Davis alleged in his 2255 motion. (Docket No. 7.) On April 23 and April 24, 2014, we held an evidentiary hearing regarding Castro-Davis’ contention that he received ineffective assistance of counsel during plea discussions. (Docket Nos. 13, 14.) On April 25, 2014, we issued a supplemental opinion, denying his final claim. We found that Castro-Davis’ claims had no credible basis on the developed record and we dismissed the case in its entirety. (Docket Nos. 15, 16.)

In accordance with Rule 11 of the Rules Governing § 2255 Proceedings, when we issued this denial of § 2255 relief, we concurrently determined whether to issue a certificate of appealability (“COA”). We grant a COA only upon “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). To make this showing, “[t]he petitioner must demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” Miller-El v. Cockrell, 537

1 U.S. 322, 338 (2003) (quoting Slack v. McDaniel, 529 U.S. 473, 484 (2000)). At the
2 time, we saw no way in which a reasonable jurist could find our assessment of Castro-
3 Davis' constitutional claims debatable or wrong. (Docket No. 15.)

4 We still find no way in which a reasonable jurist could find our assessment
5 incorrect, and we deny Castro-Davis a certificate of appealability.

6 **V.**

7 **Conclusion**

8 For the foregoing reasons, we hereby **DENY** Petitioner's motion for a certificate
9 of appealability (Docket No. 1).

10 **IT IS SO ORDERED.**

11 San Juan, Puerto Rico, this 5th day of May, 2014.

12 S/José Antonio Fusté
13 JOSE ANTONIO FUSTE
14 U. S. DISTRICT JUDGE